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IN THE DE JURE SUPERIOR COURT UNITED DISTRICT COURT

JUL 13 2017

EASTERN DISTRICT OF NORTH CAROLINA

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC

Joyce Loney

) FILE ON DEMAND

Harold Loney

) Case # 1:16-MC-37

counterclaimants

) File no. L38477478

v.

) FIRST AMENDED ACTION TO ADD
) ADDITIONAL CLAIMS

USAA FEDERAL SAVINGS BANK

STATE OF NORTH CAROLINA

) TRESPASS

STUART PARKER

) TRESPASS ON THE CASE

JOE WEBSTER

) CAUSES OF ACTION FOR TRESPASS

CATHERINE EAGLES

) JUDICIAL CHALLENGES

BRUNSWICK COUNTY SUPERIOR COURT

) CHALLENGE WRIT OF ASSISTANCE

JERRY JOLLY

) CHALLENGE JUDGMENT

JAMES MACCALLIUM

DAVIDSON COUNTY SUPERIOR COURT

MARKEY E. KLASS

BRIAN SHIPWASH

JOHN BRUBAKER

MARK SCHRON

JANIS REEDER

STUART PARKER

REID PHILLIPS

MATTHEW TYNAN,

EDWIN WEST

AMERICAN ARBITRATOR ASSOCIATION

JAMES F. PETELLE

Actions for Trespass,

Actions for Trespass on the Case

1 ASSOCIATES ASSET RECOVERY

2 TAMMY REASON

3 JONATHAN REICH

4 PATRICK SPRAUGH

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7 counterdefendants

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FIRST CAUSE OF ACTION – TRESPASS

1. COMES NOW, Joyce Loney and Harold Loney (“Loneys”) a people of North Carolina, of sound mind, in this court of record and complains of : STATE OF NORTH CAROLINA a corporation, COUNTY OF BRUNSWICK a Corporation, COUNTY OF DAVIDSON a corporation, USAA FEDERAL SAVINGS BANK NA, (“USAA”), a corporation; Stuart Parker (“Parker”); Reid Phillips (“Phillips”); Matthew Tynan (“Tynan”); Edwin West (“West”); American Arbitration Association (“AAA”) a corporation; James Petelle (“Petelle”); Joe Webster (“Webster”); Catherine Eagles (“Eagles”); Jerry Jolly (“Jolly”); James MacCallium (“MacCallium”); Associates Asset Recovery (“AAR”) a corporation; Tammy Reason (“Reason”); Jonathan Reich (“Reich”); Patrick Sprauha (“Sprauha”); Janis Reeder (“Reeder”); Mark Schron (“Schron”); Brian Shipwash (“Shipwash”); Marky Klass (“Klass”) hereinafter counter-defendants and co-conspirators, who are each summoned to answer said action in a plea of trespass and trespass on the case to wit:

INTRODUCTION

2. As detailed herein, each counter-defendant exceeded his jurisdiction under color of law by either or through an agent, or in concert with another, did cause Claimants harm.

3. This action is a direct challenge to the jurisdiction of the counter-defendants named herein.

4. At all times mentioned in this action, each counter-defendant is the agent of the other, and in doing the act alleged in this action, each is acting in course and scope of said agency. The following paragraphs describe what the counter-defendants, under color of law, either acted or failed to act as obligated.

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1 5. Each counter-defendant exceeded his jurisdiction under color of law. Each counter-
2 defendant acted in concert with the remaining counter-defendants to effect the unlawful loss of
3 liberty, due process of law, property of Claimants.

4 6. Each counter-defendant acted in such a way, or failed to act in such a way, that Claimant
5 has been deprived of liberty, reputation, and right of due process of law. Claimants were
6 approved for a vehicle loan from counter-defendants ("USAA") for \$32,000 at 7%, Claimants
7 indicated that Claimants would be purchasing (2) vehicle's, a truck and a suv for the amounts
8 approved at 7%, ("USAA") approved the loans but changed interest rate on one auto to 9%
9 without notifying the Claimants. Counter-defendant ("USAA") failed to furnish Claimants a hard
10 copy of either loan with signatures. Claimants has made (7) seven request per UCC §-3-401 for
11 validation of auto loans and UCC § 3-302 as the Holder in Due Course of credit card loans from
12 counter-defendants ("USAA") and their legal agents ("Phillips") and ("Tynan") their response
13 has been that Claimants was harassing their client. Counter-defendant ("USAA") breached the
contract.

14 7. Appx. November 2014 counter-defendants ("USAA") blocked Claimants access to all of
15 Claimants banking accounts and statements depriving Claimants of documents for balances of
16 accounts, payments, credits and documents for filing taxes. Claimants receives monthly emails
17 stating that documents are online, but Claimants are unable to access the documents by computer
18 or phone. Counter-defendants ("USAA") and it's staff are well aware of this and the staff states
19 they don't understand why Counter-defendants ("USAA") they are doing this.

20 8. On or about the beginning of November 2014 counter-defendants ("USAA") started
21 calling Claimants numerous times daily. Claimants revoked counter-defendants ("USAA")
22 permission to call Claimants cellular telephones and landline telephones. Counter-defendants
23 ("USAA") was notified by fax, telephone and certified letters to stop calling. Counter-defendants
24 ("USAA") ignored Claimants request and continued to call for a total of 271 telephone calls to
25 Claimants telephones in a 60 day time frame. Forty seven (47) of those calls were after placed
after 9pm. Violating the TCPA act for treble charges. Telephone call log. EXHIBIT ("B").

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1 9. On January 21, 2015 Claimants demanded and initiated arbitration as per counter-
2 defendants ("USAA") arbitration contract giving the 30 day notice. Claimants requested from
3 counter-defendants ("USAA") to have arbitration hearing thru JAMS if available. Counter-
4 defendants ("USAA") never responded to Claimants, therefore Claimants had to initiate
5 arbitration thru AAA. EXHIBIT "A". Claimants discovered later under Counter-defendants
6 ("USAA") Bank Depository Agreement and Disclosures that JAMS arbitration was available to
7 Claimants. Counter-defendants ("USAA") and counter-defendants ("Phillips") and ("Tynan")
8 knowingly and willfully withheld this information from Claimants. Claimants attempted to
9 withdraw arbitration from "AAA" and enter with JAMS, was strongly objected and denied by all
10 counter- defendants, including James F. Petelle, AAA Arbitrator, who did not have jurisdiction
11 over Claimants.

12 10. On or about February 25, 2015, Claimants filed an action against Counter-defendants
13 ("USAA") in local State Court for TCPA, FCRA, FDCPA, and TILA and demanded a jury trial.
14 Counter - defendants ("USAA") removed this case to Federal Court.

15 11. On or about April 2015 Counter-defendants ("USAA") moved to stay the action pending
16 the outcome of the ("AAA") Arbitration.

17 12. On June 09, 2015 at 4:30 am Associates Asset Recovery ("AAR") thru the direction of
18 it's owner Counter-defendants ("Reason") and Counter-defendants ("USAA") cut a locked gate
19 on a farm with live animals wandering around and attempted to repose the truck, the
20 repossession collector did not present an ID or any papers from the bank and the bank never
21 presented any papers for repossession, they were very aggressive, argumentative, demanding and
22 refused to leave property when told to do so, therefore Breaching the Peace. Claimants objected
23 because the automobiles were included in the lawsuit and arbitration.

24 13. On June 09, 2015 at 7:30 am the same morning another repo truck from Associates
25 Asset Recovery ("AAR") thru the direction of it's owner Counter-defendants ("Reason") and
26 Counter-defendants ("USAA") cut the same locked gate a few hours earlier the same morning on
27 a farm with live animals wandering around and attempted to repose the truck fro the second time.
28 The second truck spilled hydraulic fluid for appx. 400 ft on the driveway that flows in a lake.

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Those (2) repo guys parked outside of the driveway yelling profanity and giving finger gestures.
NO TRESPASS SIGNS everywhere.

14. Claimants filed cyber-stalking lawsuit against Counter-defendants legal agent ("Phillips") and ("Tynan"). Counter-defendants stalked Claimants on facebook using personal pictures of Claimants, family and friends and been of no benefit to Counter defendants other than to stalk and instill fear into Claimants. Counter-defendants Judge ("Jolly") found in favor of counter-defendants and sanctioned Claimant for \$2,700 attorney fees. Counter-defendants ("West") representing the two attorneys requested and was granted by ("Jolly") a gatekeeper order restricting Claimants from filing any additional claims against counter-defendants.

15. On or about September 21, 2016 counter-defendants ("Tynan") placed a telephone call to Claimants coercing Claimants to trade the vehicle loan documents from Counter-defendants ("USAA") in exchange for Claimants to dismiss all claims. Claimants refused and counter-defendants ("Tynan") stated that Claimants told him that Claimants was only going after his clients for their deep pockets. This was a false statement by counter-defendants ("Tynan") and he has used it through out the lawsuit.

16. On October 12, 2015 an arbitration hearing was held by "(AAA)" arbitration, arbitrator ("Petelle"), attended by Counter-defendants ("USAA") legal agent ("Phillips"), ("Tynan") and ("Schron"), the hearing was not recorded nor anyone sworn in. No originals contracts with signatures were entered into the meeting, counterdefendants did not show anything was tendered in consideration of the original promissory note, only silver and gold can be tendered t create said debt. The arbitrator ("Petelle") who did not have jurisdiction was extremely upset with Claimants for filing a cyberstalking case against counter-defendants ("Phillips") and ("Tynan"). Counter- defendants ("Petelle") was extremely frustrated with Claimants for filing other cases against creditors and collection agencies stating that Claimant has established pattern and practices pursuant to which Claimant initiated transactions with creditors and then entered into ligation or arbitration proceedings with the intention of making legal proceedings so expensive for the creditor that the maatter would ultimately be settled in a fashion favorable to Claimant. Counter- defendants ("Petelle"), ("Phillips") and ("Tynan") demanded to know how much Claimant received in other settlements against other creditors. Claimant declined to provide the

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1 information that was included in a NDA. Mr. Petelle went as far as accuse claimants of
2 scheming. Violating claimants civil rights to defend themselves against other accusers.
3 Counterdefendants Catherine Eagles, Phillips and Tynan have also stated this in writing.

4 17. On October 26, 2015 ("AAA") award for arbitration was granted to Counter-defendants
5 ("USAA"), ("Phillips") and ("Tynan") for a total of \$87,626.58. Treble charges for credit cards
6 accounts and other charges. The arbitrator ("Petelle") dismissed all of Claimants claims, even tho
7 Counter-defendants ("Petelle") acknowledged that counter-defendants did make the telephone
8 calls to Claimant. Counter-defendants ("Petelle") knew that he overstepped his jurisdiction in
9 awarding such a large award that Claimants would never be able to pay.

10 18. October 26, 2015 Claimants entered a NOTICE OF APPEAL to counter-defendants
11 ("AAA"), counter-defendants ("USAA") and the Courts. Counter-defendants ("AAA") changed
12 the original arbitration contract from personal fee of \$400 to commercial fee of \$4,000 all
13 counter defendants agreed to the change and denied Claimants chance for appeal.

14 19. Claimant file Chapter 13 bankruptcy under duress.

15 20. Counter-defendants ("USAA") has a motion in court to enforce the award, for the US
16 Marshall's to assist in repossession and to oppose other sanctions, and counter defendant Judge
17 ("Eagles") and ("Webster") has block Claimants from filing any other claims against counter-
18 defendants of which she does not have jurisdiction.

19 21. For Now comes the court on it own to review the facts, record and process resulting in
20 Judge Eagles filing in the records orders in this court.

21 Summary

22 22. Judge Eagles has stated that Claimants papers are frivolous, and that pending contempt
23 proceedings and that Claimants are violating gatekeeper orders.

24 23. Judge Eagles has not proven that she has jurisdiction over claimants to make these claims
25 and orders.

26 24. Judge Eagles is not authorized to speak in this court.

27 25. For it is a fact, that the Docket is referred to such, because the statutory court is a foreign
28 vessel dry docked in the sovereign territory if North Carolina.

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26. For it is a fact, that the members of the BAR are foreign agents operating within an association.

27. This court has great admiration for the judges. Their training, experience and wisdom are of great value in guiding this court toward a just resolution of issues.

28. But, we are mindful of the wisdom of Thomas Jefferson when he said, "We all know that permanent judges acquire as esprit de corps; that being, they are liable to be tempted b bribery, that they are mislead by favor, by *relationship*, by spirit of party, by devotion to the executive or legislative; that it is better to leave a cause to the decision of cross nd pile than to that of a judge biased to one side.

DETAIL

29. For the following is organized into three sections:

30. 1. Judicial cognizance.

31. 11. Finding of facts, Discussion and Conclusion of Law

32. 111. Impeachment and Writ

1. Judicial Cognizance

33. For this court takes judicial cognizance of and decree the following:

34. JUDICIAL COGNIZANCE: Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. Black's Law Dictionary, 5th Edition, page 760.

1. Cross and pile: a coin flip

2. Thomas Jefferson to Abbe Arnoux, 1789. Papers, 15:283

3. See paragraph 13 and Black's Law Dictionary, 4th ED., 425,426

35. "For the omission of a Christian name by either the plaintiff or the defendant in a legal process prevents the court from acquiring jurisdiction, ..." Bouvier's Law Dictionary, 8th Edition page 2287.

36. Gregg's Manuel of English: " A name spelled in all capital letters or a name initialed, I snot a proper noun denoting a specific person, but is a fictitious name of a dead person, or a nom de huerre".

37. "Complaint must identify at least one plaintiffs by true name; otherwise no action has been commenced." Roe v. New York (1970, SD NY) 49 FRD 279, 14 FR ser 2d 437, 8 ALR Fed. 670. For the reasoning behind a true name is that neither a State, noe the United States, can pick

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up a pencil or sneeze, being more than a "piece of paper". They cannot, therefore, assume the liability of actions nor write a complaint. All activities carried on by governmental agencies are carried out by its agent and actors.

38. For the people of the United States of America and North Carolina do not waive their sovereignty to the agencies that serve them being the sovereigns who ordained and established the Constitution for the United States and North Carolina.

39. For there are two distinguishing and critical characteristics of a court of record are: A judicial tribunal having attributes and exercising function independently of the person of the magistrate designated generally to hold it, AND Proceeding according to the course of common law.

4. We the people of the State of North Carolina Grateful to Almighty God for our freedom in order to secure its blessings, insure domestic tranquility, and form a more perfect Government, do establish this Constitution.

40. Judge Eagles. Without the authority of the court, filed documents purporting to be the orders of the court.

41. All political power is vested in and derived from the people; all government, of rights, originates from the people, is founded upon their will only, and is instituted for the good of the whole.

42. For the people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and abolish their constitution form of government whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to the constitution of the United States.

43. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves...." CHISHOLM v GEORGIA (US) 2 Dall 419, 454, 1 L ED 440, 455 @ DALL (! & (#) pp471-472.

44. "For the very meaning of 'sovereignty' is that the decree of the sovereign makes law." American Banana Co. v. United Fruit Co., 29 S. Ct. 511, 513. 213 U.S. 347, 53 L. ED. 826, 19 Ann.Cas. 1047.

45. "For the people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative." Lansing v. Smith, 4 Wend 9

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5. North Carolina Constitution, Section 1. Inalienable rights. All men by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness.

6. North Carolina Constitution, Section 2, All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people;
(N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em. Dom. Sec. 3, 228; 37C Nav. Wat. Sec. 219; Nules Sec. 167; 48 C Wharves Sec. 3.7.

46. "A consequence of this prerogative is the legal *ubiquity* of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. Fortesc.c.8. 2Inst. 186 His judges are the mirror by which the king's image is reflected." 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

47. "For the state cannot diminish right of the people." *Hertado v. California*, 100 US 516.

48. "For the assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice." *Davis v. Wechsler*, 263 US 22,24.

49. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda v. Arizona*, 384 US 436,491.

50. "There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights." *Sherar v. Cullen*, 481, F 946.

51. "Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, **either directly**, or through representatives chosen by the people, to whom those powers are specially delegated." *In re Duncan*, 139 U.S. 449, 11 S. Ct. 573, 35 L. Ed. 219; *Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 22 L. Ed. 627." *Black's Law Dictionary*, Fifth Edition, p. 626.

52 "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof: and all Treaties made, pr which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shell be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Constitution for the United States of America, Article VI, Clause 2.

53. "COURT. For the person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be." *Black's Law Dictionary*. 5th Edition, page 318.

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54. "Court. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the courts of law at times and places previously determined by lawfukky authority." Isbill v. Stovall, Tex.Civ.App., 92 S.W. 2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425.

55. "COURT OF RECORD". To be a court of record a court must have four characteristics, and may have a fifth. They are:

56. A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it Jones v. Jones, 188 Mo.App.220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See , also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 68, 689 Blackls Law Dictionary, 4th Ed. 425, 426.

57. B. Proceeding according tot eh course of common law Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill & Metc. Mass 171, per Shaw, C.J. See, also Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689 Black's Law Dictionary. 4th ED., 4th ED. 425, 426

58. C. Its actual and judicial proceeding are enrolled, or recorded, for a perpetual memory and testimony. 3 Bl. Comm. 24; 3 Steph. Comm. 383; For the Thomas Fletcher, C.C.Ga. 24F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga. 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231

59. D. Has power to fine or imprison for contempt. 3 Bl. Comm. 24; 3 Steph. Comm. 383; For the Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.Black's Law Dictionary, 4th Ed., 425, 426

60. E. Generally possesses a seal." 3 Bl. Comm. 24; 3 Steph. Comm. 383; For the Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.Black's Law Dictionary, 4th Ed., 425, 426

61. "...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points,

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1 that is to wit, the Great Charter as the common law....” Confirmation Cartarum, November 5,
2 1297” “Sources of Our Liberties” Edited by Richard L. Perry, American Bar Foundation.

3 62. “Henceforth the writ which is called Praeipere shall not be served on any one for any
4 holding so as to cause a free man to lose his court.” Magna Carta, Article 34.

5 63. “Trespass. Any misfeasance or act of one man whereby another is injuriously treated or
6 damnified.” 3 Bl. Comm. 208 An injury or misfeasance to the person, or rights of another person,
7 done with force and violence, either actual or implied in law.”

8 64. “**Trespass.** In its more limited and ordinary sense, it signifies an injury committed with
9 violence, and this violence may be either actual or implied; and the law will imply violence
10 though none is actually used...”

11 65. “Inferior courts” are those whose jurisdiction is limited and special and whose
12 proceedings are not according to the course of the common law.” Ex Parte Kearny, 55 Cal. 212;
13 Smith v. Andrews, 6 Cal. 652; “Criminal courts proceed according to statutory law. Jurisdiction
14 and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed
15 according to statutory law. Any court proceeding according to statutory law is not a court of
16 record (which only proceeds according to common law); it is an inferior court.”

17 66. “However, no statutory or constitutional court (whether it be an appellate or supreme
18 court) can second guess the judgment of a court of record. ‘For the judgment of a court of record
19 whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would
20 be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning
21 the fact, by deciding it.’” Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v.
22 BUSTAMONTE, 412 U.S. 218, 255 (1973)

23 67. “However, no statutory or constitutional court (whether it be an appellate or supreme
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28 BUSTAMONTE, 412 U.S. 218, 255 (1973)

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68. "For the people have succeeded to the rights of the king, the former sovereign of this state. They being expressly named... For the People are not expressly included in the general provisions are not, therefore, bound by general words in a statute restrictive of prerogative, without of the act, and nothing shall be taken against them by implication. Where the People are not named they are not bound.... but he cannot be divested of any right, power or interest, unless the statute is made by express words to extend to him... It is a maxim of the common law, that when an act of parliament is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, the King shall be bound by such act, though not named; but when a statute is general, and any prerogative right, title or interest would be divested or taken from the King, in such case he shall not be bound, unless the statute is made by express words to extend to him." (For the People v. Herkimer, 4 Cowen (NY) 345, 348 (1825).

69. "For the United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason." U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

Findings of Fact, Discussion and Conclusion of Law

70. For the record shows the claimants filed an action against defendants named herein;

71. For the claimant has filed this action to challenge the authority of the defendants named herein for having exceeded defendants' authority in a complaint file in the inferior court. For the claimant named herein has not been named in the complaint, but the claimant, a living woman and man. For the named defendants in the inferior court case is JOYCE LONEY AND HAROLD LONEY, "A name spelled in all capital letters or a name initialed, is not a proper noun denoting a specific person, but is a fictitious name, or a name of a dead person, or a nom de guerre." Gregg's Manual of English.

72. For the U.S. Government Style Manual, in Chapter 3 requires **only** the names of corporate and other fictional entities, or those serving in corporate capacities to be in **all capital letters**. Fictitious names exist for one purpose. **Fictions are invented to give courts jurisdiction**. Snider v. Newell 44 SE 354.

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73. For the decisions of a court of record are final. "For the judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973) As such, the comment is made in error as the decisions of this court of record may not be appealed to any court.

74. For the genius of a court of record is not to be undermined. It is the birthright of every American to settle issues in a court of record, if he so chooses. That choice has been made in this matter, and has been so stated in the first paragraph in this action.

75. For the magistrate and clerk are a persons appointed or elected to perform ministerial service in a court of record because all judicial functions in a court of record are reserved to the tribunal, which must be independent of the magistrate.

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77. For the magistrate of this court has usurped the independent powers of the tribunal of this court of record by making, under color of law, discretionary judgments which are reserved to and

78. For the above entitled action is at law in a court of record. For the orders are to be submitted by the plaintiff/claimant. See PARKINSON'S HANDY BOOK FOR THE COMMON LAW JUDGES CHAMBERS, page 51 and 52.

9. 18 USC 242 makes deprivation of rights under color of law a felony punishable up to 20 years in prison.

10. Official's duty is "ministerial" when it is absolute, certain and imperative, involving merely execution of a specific duty arising from fixed and designated facts. (Long v. Seabrook, 260 S.C. 562, 197 S.E. 2d 659, 662; Black's Law Dictionary, Fifth Edition, page 899)

11. One characteristic of a court of record: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8

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Metc. Mass., 171, per Shaw, C.J. See, also Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689 Black's Law Dictionary, 4th Ed., 425, 426

79. Claimants filed a claim consisting of Actions for Trespass and Actions for Trespass on the Case for damages. For the opening sentence decreed, "Comes now Joyce Loney and Harold Loney ("Loney") people of sound mind of Nort Carolina, in this court of record and complains of;"

80. For the judge has no authority to act as the tribunal in a court of record. "For the United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason." U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

81. For any ruling, entry or order issued by the magistrate (judge) in a court of record is both an attempt by the magistrate to usurp the authority of this Court, but also an act of treason to overthrow the republican form of government and is addressed in the varying levels of Seditious Contempt of Constitution. For the clerk is responsible for the commission of a crime even if the magistrate directed the clerk to perpetrate the crime.

82. For nowhere did the clerk or the magistrate object to claimants being people of the Untied States of America or any other state within the union.

12. For the United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason. U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

13. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.

83. For at no time did any of the defendants object to the court being a court of record.

84. For it is the design of our system of jurisprudence that courts have no jurisdiction until a party comes forth and declares a cause needing resolution. For the particular jurisdiction depends on how the cause is declared by the claimant(s), counterclaimant(s), plaintiff(s) or counterplaintiff(s). Jurisdiction may be administrative, at law, in equity, or in any of many other formats. In the case the jurisdiction is at law in a court of record under the sovereign authority of the people.

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85. For it is essential to understand what are a sovereign, a magistrate, a court, and a court of record.

86. For a court is "For the person and suit of the sovereign.

87. For the sovereign is the people either in plural or in the singular capacity. Singular capacity in this case is Joyce Loney, Harold Loney, a people as contemplated in the Constitution for For the United States of America and the New Mexico Constitution of 1850.

88. For North Carolina, the State of North Carolina and the United States of America have no general sovereignty. Theirs is a clipped sovereignty. Whatever sovereignty they have is limited to their constitutionally defined spheres of control. For the general sovereignty is reserved to the

14. Black's Law Dictionary, 4th Ed., 425, 426

15. PEOPLE, n. L. populus. For the body of persons who compose a community, town, city or nation. We say, the people of a town; the people of London or Paris; the English people. In this sense, the word is not used in the plural, but it comprehends all classes of inhabitants, considered as a collective body,... Webster's 1828 Dictionary

16. PEOPLE.... Considered as.... Any portion of the inhabitants of a city or country. Ibid.

people without diminishment. When a state attempted to diminish one's rights, it was determined that the state could not diminish rights of the people.

89. It is by the prerogative of the sovereign whether and how a court is authorized to proceed. In this case, the chosen form of the court is that of a court of record.

90. A qualifying feature of a court of record is that the tribunal is independent of the magistrate appointed to conduct the proceedings.

91. For the magistrate is a person appointed or elected to perform ministerial service in a court of record. His service is ministerial because all judicial functions in a court of record are reserved to the tribunal, and by definition of a court of record, that tribunal must be independent of the magistrate. For the non-judicial functions are "ministerial" because they are

17. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves" CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp471-472 "For the people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament;..." Lansing v. Smith, 4 Wendell 9 (N.Y.)

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(1829), 21 American Decision 89; 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.

18. *Hurtado v. California*, 100 US 516

19. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... *CHISHOLM v. GEORGIA* (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472. For the people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. *Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.

20. Court of Record: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it *Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689 *Black's Law Dictionary*, 4th Ed., 425, 426

21. *Long v. Seabrook*, 260 S.C. 562, 197 S.E.2d 659, 662; *Black's Law Dictionary*, Fifth Edition, p 899
absolute, certain and imperative, involving merely execution of specific duties arising from fixed and designated facts.

92. At implementation of the Constitution March 4, 1789, the soul of law in America was personal liberty under the common law; to wit; "Personal liberty consists in the power of locomotion, of changing situation, of removing one's person to whatever place one's inclination may direct, without imprisonment or restraint unless by due course of law" William Blackstone and John Innes Clark Hare, cited in John Bouvier, *Bouvier's Law Dictionary*, Third Revision) Being the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn, 1947) (hereinafter "Bouvier's"), p. 1965 (s.v. "Liberty").

93. "Due course of law," supra, is synonymous with "due process of law" and means process according to the law of the land, i.e., the Constitution, interpreted according to the principles of the common law; to wit: "Due process of law is process according to the law of the land. . . ."

Mr. Justice Matthews, delivering the opinion of the Court in *Hurtado v. California*, 110 U.S. 516, 533, 3 Sup. Ct. 111, 292, 28 L. Ed. 232 (1884). "Due process of law . . . refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed and interpreted according to the principles of the common law. . . ."

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1 94. It is such an imperative that government agents and employees obey procedural law that
2 the congress in its wisdom enacted federal statutes under the "Private Attorney General Act" that
3 permit any individual American people to serve as "private attorney general" for the purpose of
4 arresting government agents or employees for felonies.

5 95. For the magistrate is also not permitted to make orders in this court for two reasons. For
6 the first of which is this is a court of record and the duties of the magistrate are independent of
7 that of the tribunal. For the second reason it the magistrates, Judge Catherine Eagles is neither
8 on a Constitutional oath, their oaths having been taken after March 1st, 1991, when the oath was
9 materially changed thus eliminating the support of the Constitution for the United States of
10 America as required by said constitution at Article VI, Clause 3. As such, the judge is qualified to
11 sit on the bench for the District Court of the United States.

12 96. A third reason that the judge is not permitted to make orders, is a foreign agent member
13 of the BAR, a foreign corporation owned by the Northern Trust Company, a corporation formed
14 under the crown of England. Article 1 Section 9, clause 8 of the Constitution for the United
15 States of America, disallows the United States from granting a title of nobility to anyone. Article
16 1, Section 10, clause 1, disallows the states from granting a title of nobility to anyone. As such,
17 the title of nobility of Esquire is foreign and all who have a title of nobility must be registered
18 with the United States of America as a foreign agent as required by the Foreign Agent
19 Registration Act of 1938. Failure to be so registered is a violation of said Act and a felony.

20 97. Supreme Court of the United States 1795, "Inasmuch as every government is an artificial
21 person, an abstraction, and a creature of the mind only, a government can interface only with
22 other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from
23 creating and attaining parity with the tangible. The legal manifestation of this is that no
24 government, as well as any law, agency, aspect, court, etc. can concern itself with anything other
25 than corporate, artificial persons and the contracts between them." S.C.R. 1795, (3 U.S. 54; 1
26 L.Ed. 57; 3 Dall. 54.

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ORDER

98. IT IS HEREBY THE ORDER OF THIS COURT that all orders submitted by the magistrate Webster, judge Jolly, judge Klass and judge Eagles are hereby void and invalid, this is Writ of Assistance, Judgment, Contempt of Court and all other orders.

99. IT IS FURTHER THE ORDER OF THIS COURT THAT, the original claim filed in Court of Record are hereby reinstated as though they were never stricken from the record. The ruling in this matter stands.

100. IT IS FUTURE THE ORDER OF THE COURT that all magistrates, judges and attorneys submit proof of their Foreign Agents Registration Act (FARA).

101. IT IS FUTURE THE ORDER OF THE COURT that claimants will be furnished with a bid and performance bond related to this case that indemnity them.

102. IT IS FURTHER THE ORDER OF THIS COURT that any further rogue interference of this court by any officer shall be a contempt of this court and said perpetrator will be in held in contempt without motion and without hearing.

103. IT IS FURTHER THE ORDER OF THIS COURT that all parties to this action are invited to provide as evidence to this court within 20 days why this order is not valid.

104. Attached files: USAA TCPA violations telephone calls, President Trump's Proclamation, US Constitution and North Carolina State Constitution.

Witness the seal of this court this 12th day of June, 2017.

For the Court

By: joyce: loney



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:harold: loney
Attornatus Privatus
July 12, 2017, Brunswick County, North Carolina

Joyce M. Loney

Harold Loney

4956 Long Beach Rd. SE

STE 14 PMB 362
Southport. NC 28461

CERTIFICATE OF SERVICE

I, certify that the true and correct copy of the foregoing document Cease and Desist for Trespass was served to the court and to the following upon by placing it in a sealed envelope First Class Mail Postage prepaid in the U.S. in North Carolina and address mail to:

Dated: 12th day of July, 2017

Please serve Counterdefendants.

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Brunswick County Superior Court

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Bolivia, NC 28422

Joe Webster

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Jerry Jolly

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